



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/012,218 | 12/06/2001 | Richard Fletcher | TAG-002 | 5353 |

31899 7590 03/13/2003
RICHARD FLETCHER
TAGSENSE, INC.
432 COLUMBIA STREET, STE B13B
CAMBRIDGE, MA 02141

| |
|----------|
| EXAMINER |
|----------|

BHAT, ADITYA S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2863 | |

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------|-------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/012,218 | FLETCHER, RICHARD | |
| | Examiner Aditya S Bhat | Art Unit 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 December 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 5, 17, 31, 33-34, 38 and 41-43 is/are rejected.
- 7) Claim(s) 4, 6-16, 18-30, 32, 35- 37, 39- 40 and 44-55 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 & 31 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gilboa (USPUB 2002/0062203)

With regards to claim 1, Gilboa (USPUB 2002/0062203) teaches a method of determining the sensing of a specified object with respect to a reference surface comprising of providing an array of near field antenna elements (Page 1, Paragraph 0002, lines 22-27), generating electromagnetic signals coupled to the sensing elements (Page 7, Paragraph 0079, lines 20-33), means of measuring frequencies (Page 5, Paragraph 0060, lines 13-18), coupling the electromagnetic field to a sensing element (Page 7, Paragraph 0076, lines 3-7), measuring changes in frequencies (Page 4, Paragraph 0048-49).

With regards to claim 2, 3, and 5 Gilboa (USPUB 2002/0062203) teaches a determining the presence, identity, position or orientation of the object (Page 1, Paragraph 0002, lines 1-3) (Page 4, Paragraph 0041, lines 1-4)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31 rejected under 35 U.S.C. 102(b) as being anticipate by Arndt et al.

(USPN 6,097,189)

With regards to claim 31, Arndt et al. (USPN 6,097,189) teaches an apparatus for determining the position and orientation of a specified object with respect to a reference surface comprising of a set of near field antenna elements (Col. 14. Lines 26-36), sensing elements (Col. 16, line 46), a controlled oscillator coupled to the sensing elements (Col.17, lines 44-46), measuring circuitry able to measure changes in characteristic frequencies (See abstract, line 6), the electromagnetic radiation is coupled to the object (Col. 2, Lines 64-65).

With regards to claim 33 and 34, Arndt et al. (USPN 6,097,189) teaches an inductor and capacitor (Col.10, lines 37-39)

With regards to claim 41 -43, Arndt et al. (USPN 6,097,189) teaches a modulating a signal (Col.15, lines 57-61)

Claim Objections

Claims 4, 6-16,18-30, 32, 35- 37, 39- 40, 44-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Durdle et al. (USPN 5,955,879) teaches a method and device for monitoring the relative positions of at least two freely movable points and providing feedback, Stoffer (USPN 6,084,513) teaches a method and apparatus for tracking a patient, Lier et al. (USPN 6,084,545) teaches a near field calibration system for phase array antennas, Cosenza et al. (USPN 6,121,933) teaches a dual near field focused antenna array, Haj-Yousef (USPN 6,359,597) teaches a method and device for detecting and monitoring concealed bodies and objects, Eagleson et al. (USPUB 2002/0057192) teaches a method and apparatus for tracking mobile devices using tags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Art Unit: 2863

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya S. Bhat
March 10, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800